

ORDINANCE NO. 020801-92

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 714 ACRES OF LAND GENERALLY KNOWN AS THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA ("UPPER BOGGY CREEK") AND TO CHANGE THE BASE ZONING DISTRICTS ON 66 TRACTS OF LAND IN UPPER BOGGY CREEK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 66 tracts of land within the property described in Zoning Case No. C14-02-0057, on file at the Neighborhood Planning and Zoning, as follows:

Approximately 714 acres of land, more or less, consisting of three subdistricts more particularly described and identified in Exhibits "A" and "B" incorporated into this ordinance, Save and Except the properties known as 2917 Cherrywood Road or Tract 16, and 3001 Cherrywood Road or Tract 17 (the "Property") and, as follows,

- a. Wilshire Wood/Delwood I/Delwood II Subdistrict bounded by the Robert Mueller Airport site on the north, Wilshire Boulevard to the railroad tracks to the south property lines of the houses on the south side of Bradwood Road along a line across Wrightwood Road to the south and east property lines of the Lullwood Road cul-de-sac to Wilshire Boulevard; Wilshire Boulevard to Airport Boulevard on the east; and IH-35 on the west.
- b. Cherrywood Subdistrict bounded by Wilshire Boulevard from the IH-35 frontage road to the railroad tracks to the north property lines of the duplexes along Kirkwood Avenue to the east property lines of the duplexes on the east side of Maplewood Avenue to Wilshire Boulevard to Airport Boulevard to include Patterson Park on the north, Airport Boulevard on the east, Manor Road on the south and IH-35 on the west.

c. Blackland/Rogers-Washington-Holy Cross Subdistrict bounded by Manor Road on the north, Walnut Avenue and Cedar Avenue on the east, Martin Luther King, Jr. Boulevard on the south and Comal Street on the west;

generally known as the Upper Boggy Creek neighborhood plan, locally known as the area bounded by Airport Boulevard and the Robert Mueller Municipal Airport site on the north and east, Manor Road and Martin Luther King, Jr. Boulevard on the south and IH-35 and the University of Texas property on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The base zoning districts for the 66 tracts of land are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, neighborhood office-historic (NO-H) combining district, limited office (LO) district, general office (GO) district, neighborhood commercial (LR) district, community commercial (GR) district, general commercial services (CS) district, commercial-liquor sales (CS-1) district, and limited industrial services (LI) district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district, and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, as more particularly described and identified in the chart below.

TRACT	ADDRESS	FROM	TO
1	4411 AIRPORT BV	CS & MF-3	MF-3-NP
2	4302 AIRPORT BV	CS	GR-CO-NP
	4300 AIRPORT BV		

TRACT	ADDRESS	FROM	TO
3	0 AIRPORT BV, ABS 346 SUR 9, HAWKINS T, ACR 2.79	LO	LO-NP
4	3900 AIRPORT BV	CS	CS-MU-NP
	3800 1/2 AIRPORT BV		
5	3710, 3724, 3800, 3810, 3822, 3834 AIRPORT BV	CS	CS-MU-NP
6	2928 MANOR RD	LI	LI-CO-NP
7	2900 MANOR RD	LI & GR	CS-MU-CO-NP
8	2806, 2808 MANOR RD	GR	GR-CO-NP
9	2710 MANOR RD	LO	LO-CO-NP
10	2706 MANOR RD	LR & MF-4	MF-4-NP
11	2610 MANOR RD	LR	LR-CO-NP
12	2500, 2502 MANOR RD	MF-4	LO-MU-CO-NP
13	2310, 2406, 2408 MANOR RD	CS	CS-MU-CO-NP
	0 MANOR RD, LOT 17 * & W23.55FT OF LOT 18 OLT 33 DIV C FOREST HILLS B		
	0 MANOR RD, LOT 16 OLT 33 DIV C FOREST HILLS B		
14	2300 MANOR RD	CS	CS-CO-NP
15	0 CHERRYWOOD RD, S 35FT OF LOT 12 OLT 33 DIV C FOREST HILLS B	CS	CS-MU-CO-NP
	0 CHERRYWOOD RD, LOT 13 OLT 33 DIV C LESS S23.6FT OF FOREST HILLS B		
18a	2900, 2902 CHERRYWOOD RD	CS & SF-3	SF-3-NP
18b	2805, 2807 BREEZE TE	CS & SF-3	SF-3-NP
19	2200 MANOR RD	CS & SF-3	CS-MU-CO-NP
20	2002 MANOR RD	CS	CS-CO-NP
21	2704 FRENCH PL	CS	MF-3-NP
22	1900 MANOR RD	CS	CS-MU-CO-NP
23	1513, 1515, 1517, 1521, 1601, 1603 1617 MANOR RD	CS	CS-MU-CO-NP
	2206, 2210 LEONA ST		
	2207, 2209 COMAL ST		
24	1703, 1707, 1711, 1715, 1719 MANOR RD	CS	CS-MU-CO-NP
25	1801, 1809, 1815 MANOR RD	CS	CS-MU-CO-NP
26	1901, 1917 MANOR RD	CS	CS-MU-CO-NP
27	2015, 2021 MANOR RD	CS	CS-MU-CO-NP
28a	2113 MANOR RD, 2207 ALAMO ST	CS	CS-CO-NP
28b	2101 MANOR RD		
29	2203, 2207, 2209, 2219 MANOR RD	CS	CS-MU-CO-NP
30	2202, 2204 CHESTNUT AV	LO	SF-3-NP
	2206 22 ST E		
31	2301 MANOR RD	CS	CS-CO-NP

TRACT	ADDRESS	FROM	TO
32	2201A, 2203, 2205 CHESTNUT AV	LO	LO-MU-CO-NP
33	2206 MAPLE AV	CS	CS-MU-CO-NP
	2309 MANOR RD		
34a	2409, 2401 MANOR RD (front 1/2 of lots)	CS	CS-MU-CO-NP
	2409 MANOR RD (front 1/2 of lot)		
35a	2500 22 ST E	CS	MF-3-NP
	2401 MANOR RD (back 1/2 of lot)		
35b	2501, 2515 MANOR RD	CS	CS-MU-CO-NP
35c	2409 MANOR RD (back 1/2 of lot)	CS	MF-3-NP
36a	2613, 2615, 2627 MANOR RD	CS	CS-MU-CO-NP
36b	2605 MANOR RD	CS & CS-1	CS-MU-CO-NP & CS-1-MU-CO-NP
39	1903 20 ST E	CS	MF-3-NP
	1905, 1907, 1909 CHICON ST		
40	1900, 1902 M L KING JR BV E	CS-1	CS-1-MU-CO-NP
41	1910 M L KING JR BV E	LR	LR-MU-CO-NP
42	2001 20 ST E	LO	LO-MU-CO-NP
43	2100, 2102 M L KING JR BV E	SF-3	LO-MU-CO-NP
44	2104, 2106 M L KING JR BV E	NO-H	LO-H-MU-CO-NP
45	2200, 2204 M L KING JR BV E	LO	LO-MU-CO-NP
46	2210, 2212 M L KING JR BV E	SF-3	LO-MU-CO-NP
49	1900, 1906 CEDAR AV	MF-3	SF-3-NP
50	2000, 2006 CEDAR AV	LR	SF-3-NP
51	2612 ROGERS AV	GO	MF-3-NP
52a	2909 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
52b	2901 INTERSTATE HY 35 N	GR	GR-MU-CO-NP
53	3007, 3009 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
54	3105, 3109 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
55	3205, 3207, 3209, 3211, 3213, 3215, 3217 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
56	3301, 3311, 3401, 3405, 3421 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
57a	3705, 3707, 3709, 3735 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
57b	3701A INTERSTATE HY 35 N	CS-1	CS-1-MU-CO-NP
57c	3509 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
57d	3507 INTERSTATE HY 35 N	CS1	CS1-MU-CO-NP
57e	3501, 3505 INTERSTATE HY 35 N	CS	CS-MU-CO-NP
58	3807, 4001 INTERSTATE HY 35 N	CS	CS-MU-NP
59	1230, 1300, 1316, 1400 38 1/2 ST E	CS & GR	CS-MU-CO-NP
60	1307 38 1/2 ST E	LO	LO-MU-CO-NP
61	3704, 3706, 3709, 3710, 3714 CLARKSON AV	LO	LO-MU-CO-NP
62	0 WILSHIRE BV, LOT A U-HAUL SUBD 1	CS	CS-MU-CO-NP
63	4103 INTERSTATE HY 35 N	CS	CS-MU-CO-NP

PART 3. Secondary apartment special use is permitted on lots in residential districts within the boundaries of the Cherrywood Subdistrict of the NP combining district as set forth in Sections 25-2-1462 and 25-2-1463 of the Code.

PART 4. The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 3,500 square feet or less, the impervious coverage may not exceed 65 percent.

PART 5. Tracts 4 through 7, 12, 13, 19, 22 through 27, 29, 33, 34a, 34b, 35b, 36a, 36b, 40 through 43, 45, 46, 52a, 52b, 53 through 60, 62 and 63 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 6. Tracts 7, 58, 59, and 62 may be developed as a neighborhood urban center special use as set forth in Section 25-2-1521 through Section 25-2-1524 of the Code.

PART 7. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A building or structure may not exceed a height of 40 feet above ground level on Tracts 6, 7, 8, 13, 14, 19, 20, 23 through 26, 28a, 28b, 29, 31, 33, 34a, 34b, 35b, 36a, 36b, 52a, 52b, 59, 62, and 63.
2. A building or structure may not exceed a height of 35 feet above ground level on Tracts 60 and 61.
3. Vehicular access from Tract 15 to Cherrywood Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
4. Automotive repair services use is a conditional use on Tract 2.
5. Drive-in service is prohibited as an accessory use to commercial uses on Tracts 2, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 22, 23, 24, 25, 26, 27, 28a, 29, 33, 34a, 34b, 35b, 36a, 36b, 40, 41, 42, 43, 44, 45, 46, 52a, 53, 54, 55, 56, 57a, 57b, 57c, 57d, 57e, 62, and 63.

6. Drive-in service as an accessory use to commercial uses is a conditional use on Tracts 28b and 31.

7. The following uses are prohibited uses on Tract 2:

Automotive sales
Off-site accessory parking
Pawn shop services

Automotive washing (of any type)
Commercial off-street parking
Service station

8. The following uses are conditional uses on Tract 6:

Custom manufacturing
Exterminating services
Guidance services
Hotel-motel
Laundry services
Light manufacturing
Limited warehousing and distribution

Monument retail sales
Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation
Railroad facilities
Residential treatment

9. The following uses are prohibited uses on Tract 6:

Adult oriented businesses
Agricultural sales and services
Automotive rentals
Automotive sales
Automotive washing (of any type)
Basic industry
Campground
Commercial blood plasma center
Commercial off-street parking
Construction sales and services
Convenience storage
Service station

Drop-off recycling collection facility
Employee recreation
Equipment repair services
Equipment sales
Kennels
Laundry services
Maintenance and service facilities
Pawn shop services
Research services
Resource extraction
Scrap and salvage
Vehicle storage

10. The following uses are conditional uses on Tract 7:

Exterminating services
Guidance services
Hotel-motel
Laundry services
Monument retail sales

Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation
Residential treatment

11. The following uses are prohibited uses on Tract 7:

Adult oriented businesses
Agricultural sales and services
Automotive rentals
Automotive sales
Automotive washing (of any type)
Campground
Commercial blood plasma center
Commercial off-street parking
Construction sales and services
Convenience storage
Service station

Drop-off recycling collection facility
Employee recreation
Equipment repair services
Equipment sales
Kennels
Laundry services
Maintenance and service facilities
Research services
Limited warehousing and distribution
Pawn shop services
Vehicle storage

12. The following uses are conditional uses on Tract 8:

Exterminating services
Guidance services
Hotel-motel
Residential treatment

Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation

13. The following uses are prohibited uses on Tract 8:

Automotive rentals
Automotive washing
Service station

Automotive sales
Research services

14. Residential treatment use is a conditional use on Tract 9.

15. The following uses are conditional uses on Tract 11:

Communications services	Communications service facility
Community recreation (private)	Congregate living
Local utility services	Off-site accessory parking
Pet services	Plant nursery
Residential treatment	

16. Service station use is a prohibited use on Tract 11.

17. The following uses are conditional uses on Tracts 12 and 32:

College and university facilities	Congregate living
Communication service facilities	Local utility services
Communications services	Residential treatment
Community recreation (private)	

18. The following uses are conditional uses on Tracts 13, 14, 15, 19, 20, 22, 23, 24, 25, 26, 27, 29, 33, 34a, 34b, 35b, 36a, and 36b:

Automotive repair services	Indoor entertainment
Building maintenance services	Indoor sports and recreation
Business or trade school	Laundry services
College and university facilities	Local utility services
Communication service facilities	Off-site accessory parking
Communications services	Outdoor sports and recreation
Community recreation (private)	Pet services
Congregate living	Plant nursery
Electronic prototype assembly	Residential treatment
Exterminating services	Veterinary services
Hotel-motel	

19. The following uses are prohibited uses on Tracts 13, 14, 15, 19, 20, 22, 23, 24, 25, 26, 27, 29, 33, 34a, 34b, 35b, 36a, and 36b:

Agricultural sales and services	Campground
Adult oriented businesses	Commercial blood plasma center
Automotive rentals	Commercial off-street parking
Automotive sales	Construction sales and services
Automotive washing (of any type)	Convenience storage

Building maintenance services
Maintenance and service facilities
Monument retail sales
Pawn shop services
Service station
Vehicle storage

Drop-off recycling collection facilities
Employee recreation
Equipment repair services
Equipment sales
Kennels
Limited warehousing and distribution

20. The following uses are conditional uses on Tract 28a:

Automotive repair services
Building maintenance services
Business or trade school
College and university facilities
Communication service facilities
Communications services
Community recreation (private)
Congregate living
Electronic prototype assembly
Exterminating services
Hotel-motel

Indoor entertainment
Indoor sports and recreation
Laundry services
Local utility services
Off-site accessory parking
Outdoor sports and recreation
Pet services
Plant nursery
Residential treatment
Veterinary services

21. The following uses are prohibited uses on Tract 28a:

Agricultural sales and services
Adult oriented businesses
Automotive rentals
Automotive sales
Automotive washing (of any type)
Building maintenance services
Maintenance and service facilities
Monument retail sales
Pawn shop services
Service station
Vehicle storage

Campground
Commercial blood plasma center
Commercial off-street parking
Construction sales and services
Convenience storage
Drop-off recycling collection facilities
Employee recreation
Equipment repair services
Equipment sales
Kennels
Limited warehousing and distribution

22. The following uses are conditional uses on Tract 28b:

Automotive rentals
Automotive repair services
Automotive sales

Hotel-motel
Indoor entertainment
Indoor sports and recreation

Building maintenance services
Business or trade school
College and university facilities
Communication service facilities
Communications services
Community recreation (private)
Congregate living
Electronic prototype assembly
Exterminating services

Laundry services
Local utility services
Off-site accessory parking
Outdoor sports and recreation
Pet services
Plant nursery
Residential treatment
Veterinary services

23. The following uses are prohibited uses on Tract 28b:

Agricultural sales and services
Adult oriented businesses
Equipment repair services
Automotive washing (of any type)
Building maintenance services
Campground
Commercial blood plasma center
Commercial off-street parking
Construction sales and services
Vehicle storage

Drop-off recycling collection facilities
Employee recreation
Equipment sales
Kennels
Limited warehousing and distribution
Maintenance and service facilities
Monument retail sales
Pawn shop services
Convenience storage

24. The following uses are prohibited uses on Tract 31:

Agricultural sales and services
Adult oriented businesses
Automotive rentals
Automotive sales
Automotive washing (of any type)
Building maintenance services
Campground
Commercial blood plasma center
Commercial off-street parking
Construction sales and services
Convenience storage

Drop-off recycling collection facilities
Employee recreation
Equipment repair services
Equipment sales
Kennels
Limited warehousing and distribution
Maintenance and service facilities
Monument retail sales
Pawn shop services
Service station
Vehicle storage

25. The following uses are conditional uses on Tract 31:

Automotive repair services	College and university facilities
Building maintenance services	Communication service facilities
Business or trade school	Communications services
Community recreation (private)	Congregate living
Local utility services	Off-site accessory parking
Electronic prototype assembly	Outdoor sports and recreation
Exterminating services	Pet services
Hotel-motel	Plant nursery
Indoor entertainment	Residential treatment
Indoor sports and recreation	Veterinary services

26. The following uses are conditional uses on Tract 40:

Electronic prototype assembly	Hotel-motel
Residential treatment	Laundry services
Exterminating services	Outdoor sports and recreation
Guidance services	

27. The following uses are prohibited uses on Tract 40:

Agricultural sales and services	Drop-off recycling collection facilities
Adult oriented businesses	Outdoor entertainment
Automotive rentals	Equipment repair services
Automotive sales	Equipment sales
Automotive washing (of any type)	Kennels
Research services	Limited warehousing and distribution
Campground	Maintenance and service facilities
Commercial blood plasma center	Monument retail sales
Commercial off-street parking	Service station
Construction sales and services	Vehicle storage
Convenience storage	

28. The following uses are conditional uses on Tract 41:

Residential treatment	Guidance services
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29. Residential treatment use is a conditional use on Tracts 42 through 46.

30. The following uses are conditional uses on Tracts 52a, 53, 54, 55, 56, 57a, 57c, 57d, and 57e:

Pet services

Residential treatment

Veterinary services

31. The following uses are prohibited uses on Tracts 52a, 53, 54, 55, 56, 57a, 57c, 57d, and 57e:

Adult oriented businesses

Equipment sales

Automotive rentals

Kennels

Limited warehousing and distribution

Drop-off recycling collection facility

Maintenance and service facilities

Equipment repair services

Vehicle storage

32. The following uses are prohibited uses on Tract 52b:

Automotive rentals

Drop-off recycling collection facility

Pet services

33. The following uses are conditional uses on Tract 57b:

Pet services

Residential treatment

Veterinary services

34. The following uses are prohibited uses on Tract 57b:

Automotive rentals

Equipment sales

Kennels

Drop-off recycling collection facility

Limited warehousing and distribution

Equipment repair services

Maintenance and service facility

Vehicle storage

35. The following uses are conditional uses on Tract 59:

Laundry services

Electronic prototype assembly

Custom manufacturing

Limited warehousing and distribution

36. The following uses are prohibited uses on Tract 59:

Automotive rentals	Equipment repair services
Automotive sales	Kennels
Automotive washing (of any type)	Maintenance and service facilities
Commercial blood plasma center	Outdoor entertainment
Construction sales and services	Outdoor sports and recreation
Equipment sales	Vehicle storage

37. The following uses are conditional uses on Tracts 63 and 63:

Pet services	Residential treatment
Plant nursery	Veterinary services

38. The following uses are prohibited uses on Tracts 62 and 63:

Automotive rentals	Equipment repair services
Automotive sales	Kennels
Automotive washing (of any type)	Maintenance and service facilities
Automotive repair services	Equipment sales
Commercial off-street parking	Limited warehousing and distribution
Service station	Vehicle storage
Drop-off recycling collection facility	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 8. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 9. This ordinance takes effect on August 12, 2002.

PASSED AND APPROVED

August 1, 2002

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§
§

Gustavo L. Garcia

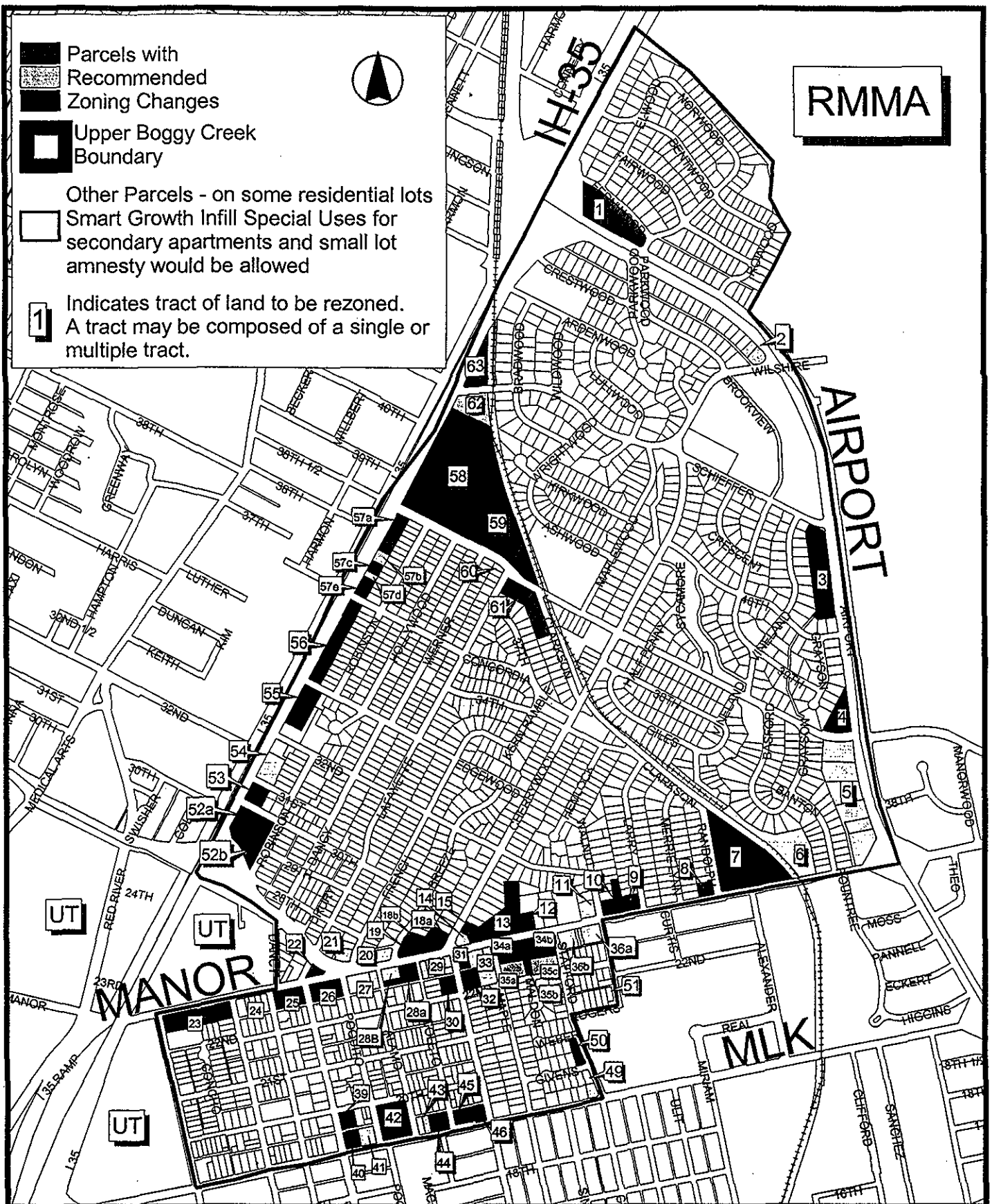
Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



Upper Boggy Creek Neighborhood Planning Area Tracts Recommended for Rezoning

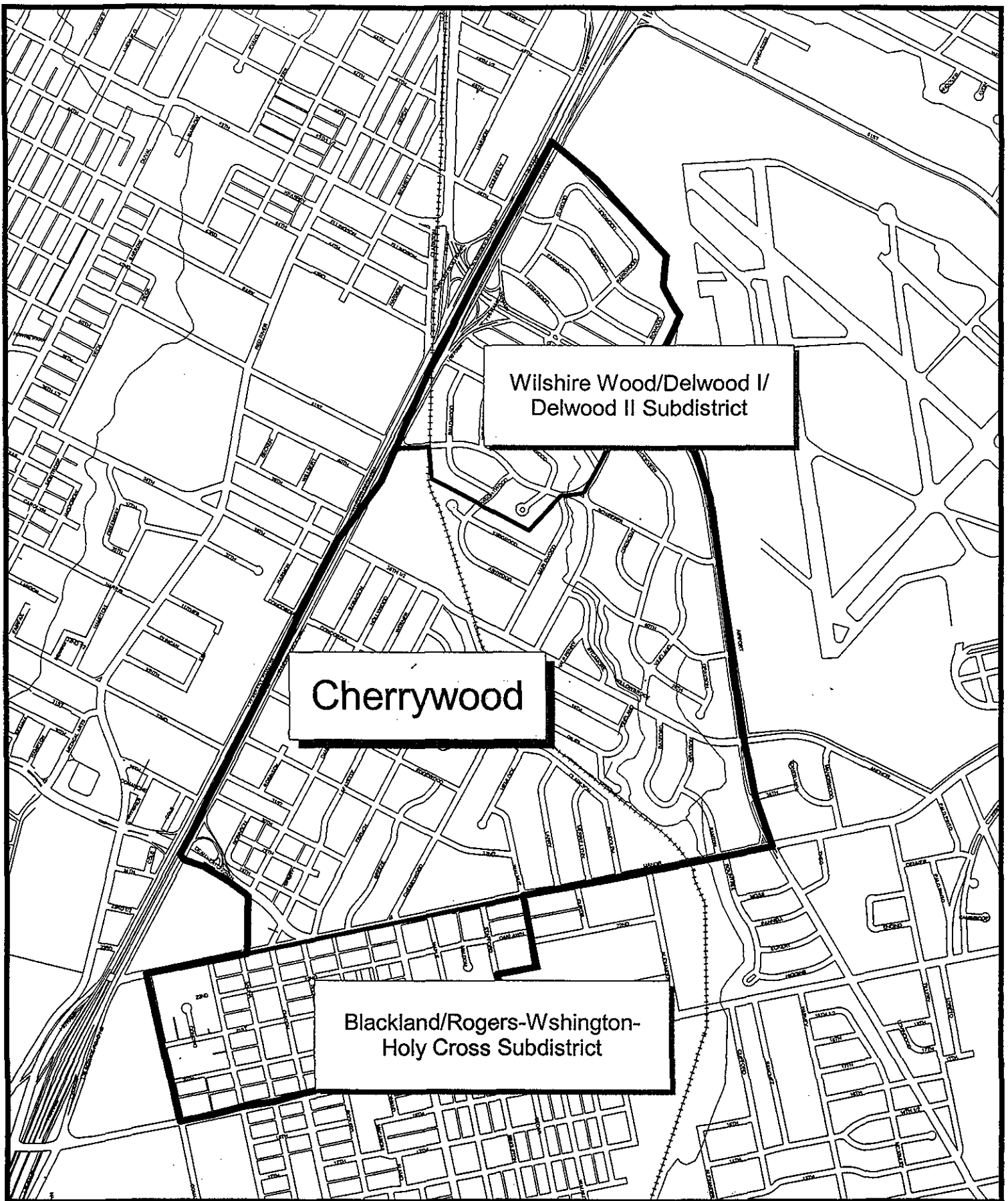


City of Austin
Neighborhood Planning &
Zoning Department

Case # C14-02-0057

EXHIBIT A

This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without the written permission from the Neighborhood Planning & Zoning Dept., City of Austin.



Wilshire Wood/Delwood I/
Delwood II Subdistrict

Cherrywood

Blackland/Rogers-Washington-
Holy Cross Subdistrict

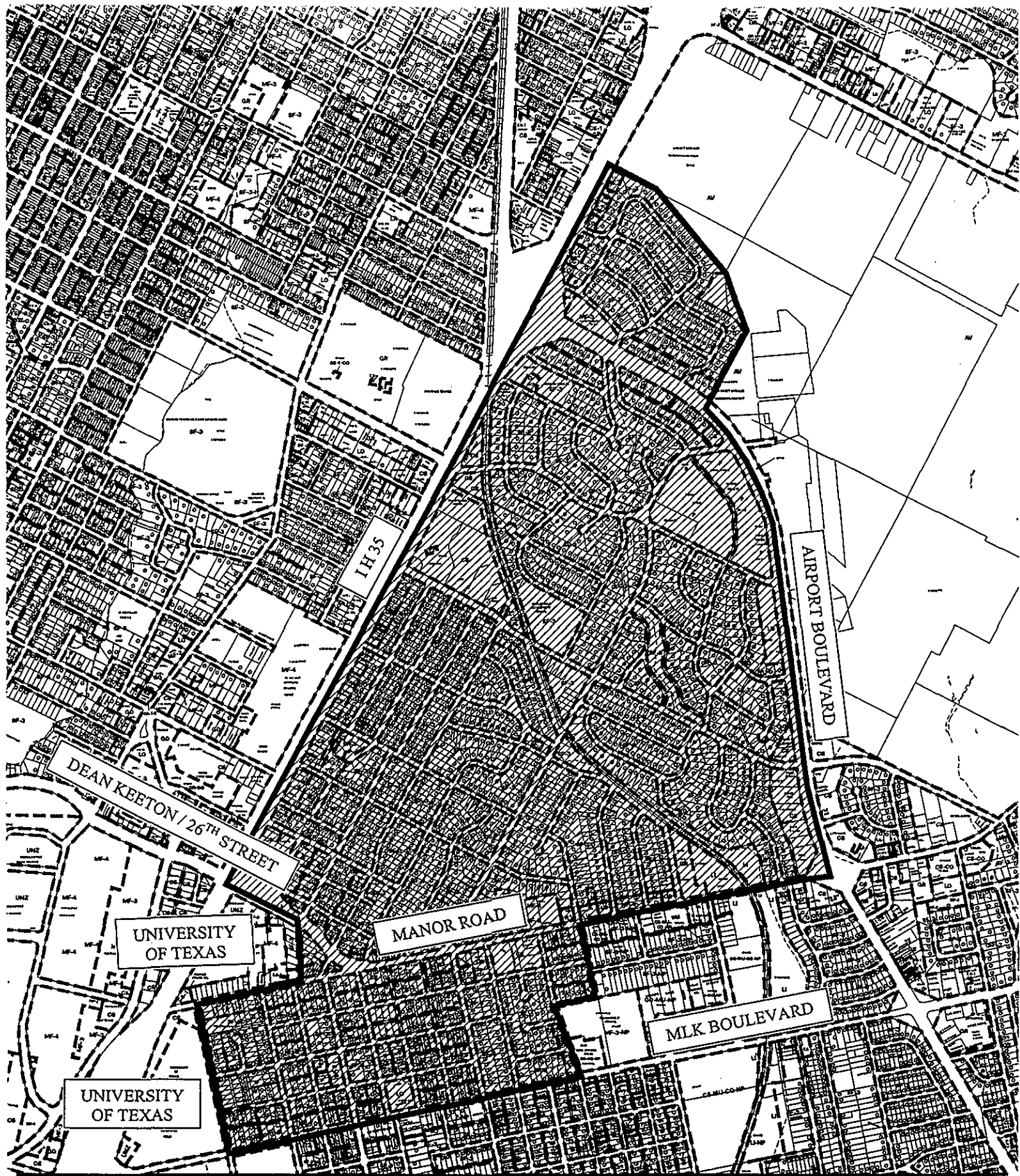
**Subdistrict Boundaries:
Upper Boggy Creek Neighborhood
Planning Area**

EXHIBIT B



NPZD
City of Austin





SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: A. BEAUDET

CASE #: C14-02-0057
ADDRESS: UPPER BOGGY CREEK NP
SUBJECT AREA (acres): N/A

ZONING EXHIBIT C

DATE: 02-04

INTLS: SM

CITY GRID
REFERENCE
NUMBER
K23-25